

RICHARD J. HANF, TRUSTEE
PO BOX 6499
NAPA, CA 94581
(707) 251-0610

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re

ERNESTO DIAZ

Debtor.

Case No. 07-28426-C-7

DCNO: RJH - 20

Date: January 27, 2010

Time: 9:30 a.m.

Dept. C; Courtroom 35
501 I Street, 6th Floor,
Sacramento, CA 95814

TRUSTEE'S MOTION

**FOR ORDER COMPELLING THE DEBTOR TO TURNOVER THE TITLE
TO A 1974 JEFFERSON MOBILE HOME**

RICHARD J. HANF ("Trustee") hereby moves the Court for an order compelling the ERNESTO DIAZ ("Debtor") to immediately turnover to the Trustee the title to a 1974 Jefferson Mobile Home.

In support of this motion the Trustee represents as follows:

1. The Debtor filed a voluntary Chapter 11 bankruptcy petition on October 10, 2007.
2. The Debtor acted in the capacity of debtor in possession until August 12, 2008, when an order was entered approving Richard J. Hanf's appointment as Chapter 11 Trustee.
3. On October 14, 2008, the case was ordered converted to a Chapter 7 bankruptcy.
4. On October 15, 2008, Richard J. Hanf was appointed trustee in the Chapter 7 case and continues to act in that capacity.

1 5. On October 14, 2009, Larry Robertson, a former employee of the Debtor,
2 informed the Trustee that the Debtor is the legal owner of a mobile home currently located at 324
3 San Marcos Drive, Vallejo, California.

4 6. On October 17, 2009, the Trustee requested a title search of the records of the
5 California Department of Housing and Community Development. The records reflect that the
6 Debtor is the legal owner of a 1974 Jefferson Mobile Home, ID No. S5500X, Decal # AAK4312
7 (the" Mobile Home"). The registered owners of the Mobile Home are Felipe and Georgia Curiel.
8 A copy of the Title Search is being filed herewith as Exhibit 1.

9 7. The Debtor's schedules and pleadings filed in his bankruptcy do not disclose his
10 ownership of the Mobile Home.

11 8. On October 26, 2009, the Trustee faxed and mailed a letter to the Debtor's
12 attorney, Bert M. Vega, demanding that the Debtor turn over the Certificate of Title to the
13 Mobile Home to the Trustee by October 30, 2009. A copy of the letter is being filed as Exhibit 2.
14 Neither Mr. Vega nor the Debtor responded to this letter.

15 9. On November 25, 2009, the Trustee sent a second letter (Exhibit 3) to Mr. Vega,
16 with a copy to the Debtor, demanding turnover of the title to the Mobile Home. Neither Mr. Vega
17 nor the Debtor has responded to this letter.

18 **WHEREFORE the Trustee prays that the motion be granted and that the Court order**
19 **the Debtor to turn over the Certificate of Title to the Mobile Home to the Trustee by February 10,**
20 **2010.**

21 Respectfully submitted,

22
23
24 Dated: January 12, 2010


25 RICHARD J. HANF, CHAPTER 7 TRUSTEE

26
27 TRUSTEE'S MOTION
28 FOR ORDER COMPELLING THE DEBTOR
29 TO TURN OVER THE TITLE
TO A 1974 JEFFERSON MOBILE HOME